



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

42667

REPLY TO THE ATTENTION OF:

JAN 30 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Kinroth
Brad Kinroth
Jack Kinroth
8528 Byron Hills Court
Byron, Illinois 61010

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA for the Southeast Rockford Groundwater Site in Rockford, Illinois, hereinafter referred to as "the Site."

Dear Gentlemen:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at or near the Southeast Rockford Groundwater Site in Rockford, Illinois. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at or near the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9604(e), amended by Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within twenty (20) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by USEPA. Pursuant to Section 3008 of RCRA, USEPA may seek the imposition of penalties up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance; and Section 104(e)(5) of CERCLA, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by USEPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false,

fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001.

USEPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Your response to this Information Request should be mailed to:

Karen Vendl
U.S. Environmental Protection Agency (5HS-11)
230 South Dearborn Street
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Ms. Elizabeth Doyle, Assistant Regional Counsel, at (312) 886-7951. If you have any other questions, please direct such questions to Ms. Vendl at (312) 886-4739.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, USEPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,



Richard Karl, Chief
Illinois/Indiana Remedial Response Branch

Enclosure

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to Respondent as of the date of submission of its response, should information later become known by or available to Respondent, Respondent must supplement its response to U.S. EPA. Moreover, should Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify the U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control, or in possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating

that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of Respondent at the Facility. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identifying the person to whom it was transferred, describe the circumstances surrounding each transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b). Information covered by such claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies

the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term person as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The "Facility" shall mean the property commonly known as 2630 Marshall, Rockford, Illinois.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

6. The terms "furnish," "describe," "identify" or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody or control of Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (e.g., invoice or purchase number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

9. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

10. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly

or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

11. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these

Information Requests any information which might otherwise be construed to be outside their scope.

Requests

1. Identify the person(s) answering these questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons and documents consulted in the preparation of the answer, and provide true and accurate copies of all such documents.
3. Describe the nature of your relationship with Pro-Tool & Manufacturing Co. and Swebco Manufacturing, Inc., and the relationship between Kinroth Manufacturing, Inc. and Pro-Tool & Manufacturing Co. and Swebco Manufacturing, Inc.
4. Describe the nature of activities or business and the process by which waste is generated at the Facility, including:
 - a. Identify the chemical composition, characteristics, physical state (e.g., solid, liquid), and trade or chemical name of materials used, purchased, generated, stored, treated, disposed, transported or otherwise handled at the Facility;
 - b. State whether any of these materials were or contained "hazardous substances" as defined by CERCLA Section 101(14), 42 U.S.C. 9601(14);
 - c. Describe all manufacturing processes and/or maintenance operations that generate any by-product or waste; and
 - d. Describe all products, by-products and wastes generated.
5. For those materials identified in response to Question #4 above, provide the following:

a. Describe how such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled at the Facility;

b. Describe when such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled at the Facility; and

c. Describe where such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled at the Facility.

6. Are there or were there ever any underground storage tanks on Facility property. If so, describe their contents and their condition and, if you have ever removed storage tanks from Facility property, when they were removed and how. Provide all reports, information or data related to underground storage tanks and their removal at and about the Facility. Provide copies of all documents containing such data and information, including documents containing analysis or interpretation of such data.

7. Identify all leaks, spills, or releases into the environment of any hazardous substance, pollutant, or contaminant that may have occurred at or from the Facility. In addition, identify:

a. When such release occurred;

b. How the release occurred;

c. The amount of each hazardous substance, pollutant, or contaminant so released;

d. Where such release occurred; and

e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units of the release.

8. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances or materials from the Facility. Describe the arrangements made for such disposal or treatment.

9. Provide all reports, information or data related to soil, water (ground and surface), air quality, geology, or hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, including documents containing analysis or interpretation of such data.

10. Are you or your consultants currently performing or planning to perform any investigations of the soil, water (ground and surface) air quality, geology or hydrogeology on or about the Facility. If so, identify:

a. What the nature and scope of these investigations are or will be;

b. The contractors or other persons that are undertaking or will undertake these investigations;

c. The purpose of the investigations;

d. The dates on which such investigations are taking or will take place and be completed; and

e. Where on the Facility such investigations are taking or will take place.

11. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damage resulting therefrom.

P 664 410 245



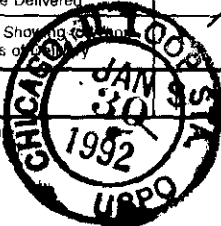
Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail

Richard Kinroth
Brad Kinroth
Jack Kinroth
8528 Byron Hills Court
Byron, Illinois 61010

VENDL-HSRL-65
PS Form 3800, June 1990

| | |
|--|--------|
| Postage | \$.75 |
| Certified Fee | 00 |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, & Address of | |
| TOTAL Postage & Fees | \$2.75 |
| Postmark or Date | |



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3 Richard Kinroth
Brad Kinroth
Jack Kinroth
8528 Byron Hills Court
Byron, Illinois 61010

4a. Article Number
P664-410-245

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-3-92

5. Signature (Addressee)
Richard Kinroth
6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)